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SPRING VALLEY HOSPITAL MEDICAL CENTER

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHELLE E. BUTTS, individually and as)
Special Administratrix of the Estate of DAVID)
PAUL BUTTS, Deceased, and as Guardian of) 2:05-cv-01434
Minor heirs LISA M. BUTTS, RENEE E. BUTTS,)
DENNIS W. BUTTS, and STEPHANIE R. BUTTS;)
CHRISTOPHER M. BUTTS; STEPHEN P. BUTTS;)
and ERIC D. BUTTS:)

Plaintiffs,

vs.

UNIVERSAL HEALTH SERVICES, INC.,
a Delaware corporation; UHS OF DELAWARE, INC.,
a Delaware corporation, Management Subsidiary of
UNIVERSAL HEALTH SERVICES INC.; VALLEY
HEALTH SYSTEM, LLC, a Delaware Limited
Liability Company, doing business as SPRING
VALLEY HOSPITAL MEDICAL CENTER, a
Owned subsidiary of UNIVERSAL HEALTH
SERVICES, INC.; GILBERTO RUIZ, M.D.; and
JANIE KWAK-TRAN, M.D..

Defendants.

**THE ANSWER AND AFFIRMATIVE DEFENSES
OF SPRING VALLEY HOSPITAL MEDICAL CENTER DEFENDANTS**

27 Defendant Universal Health Services, Inc., UHS of Delaware, Inc., and Valley Health
28 System, LLC (hereinafter collectively referred to as "Spring Valley Hospital"), by and through

1 its attorneys, Hall Prangle & Schoonveld, LLC, respectfully submits its Answer and Affirmative
2 Defenses to Plaintiffs' Complaint:

3 **GENERAL ALLEGATIONS**

4 1. In answering Paragraph I of Plaintiffs' Complaint, these answering Defendants admit
5 that Universal Health Services, Inc., UHS of Delaware, Inc., and Valley Health Systems, LLC
6 are all Delaware Corporations doing business in the State of Nevada. As to the remainder of the
7 allegations, Defendant Spring Valley Hospital is without sufficient information to form a belief
8 as to the truth of the allegations and therefore denies the same.

9 2. In answering Paragraph II of Plaintiffs' Complaint, these answering Defendants admit
10 that Universal Health Services, Inc., UHS of Delaware, Inc., and Valley Health Systems, LLC
11 are all Delaware Corporations doing business in the State of Nevada.

12 3. In answering Paragraphs III, IV, V, VII, IX, X, XI, and XII of Plaintiffs' Complaint,
13 these answering Defendants are without sufficient information to form a belief as to the truth of
14 the allegations and therefore denies the same.

15 4. In answering Paragraphs VI and VIII of Plaintiffs' Complaint, these answering
16 Defendants deny the allegations contained therein.

17 5. In answering Paragraph XIII of Plaintiffs' Complaint, as pertaining to these answering
18 Defendants, these answering Defendants deny each and every allegation contained therein; as to
19 the remainder of Defendants, these answering Defendants are without sufficient information to
20 form a belief as to the truth of the allegations contained therein, and therefore denies the same.

21 These answering Defendants further deny paragraph 5 (a) – (c) and 6, inclusive, of the expert
22 affidavit of Robert F. Busch. As to the remaining paragraphs of the affidavit of Robert F. Busch,
23 these answering Defendants are without sufficient information to form a belief as to the truth of
24

the allegations contained therein, and therefore deny the same.

6. In answering Paragraph XIV, XV, XVI, XVII and XVIII of Plaintiffs' Complaint, as pertaining to these answering Defendants, these answering Defendants deny each and every allegation contained therein; as to the remainder of Defendants, these answering Defendants are without sufficient information to form a belief as to the truth of the allegations contained therein, and therefore deny the same.

AFFIRMATIVE DEFENSES

First Defense

The Complaint fails to state a claim against Spring Valley Hospital upon which relief can be granted.

Second Defense

Spring Valley Hospital asserts any and all statutes of limitation, limitations of action, defenses in abatement, estoppel, laches and statutes of repose including those provisions available to Spring Valley Hospital under the Federal Rules of Civil Procedure, the Nevada Rules of Civil Procedure, and the Nevada Supreme Court Rules, in full avoidance of any and all claims or causes of action.

Third Defense

Spring Valley Hospital would show the sole proximate cause of the injuries and damages complained of was the negligence of other persons, firms, or corporations for which Spring Valley is not responsible as a matter of law and should be apportioned pursuant to Nevada law.

Fourth Defense

Spring Valley Hospital would show the sole proximate cause of the injuries and damages complained of was the negligence of David Paul Butts and/or his beneficiaries and if said

negligence was not the sole proximate cause, then it constituted a major contributing cause
thereto.

Fifth Defense

Spring Valley Hospital exercised that reasonable degree of skill and care expected of and required of professionals in the same or similar field in the same or similar circumstances.

Sixth Defense

Pursuant to NRCP 11, as amended, all possible Affirmative Defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of Defendant's Answer, and therefore, Defendant reserves the right to amend its Answer to allege additional Affirmative Defenses if subsequent investigation warrants.

WHEREFORE, Defendants pray for judgment as follows:

1. That Plaintiffs take nothing by virtue of their Amended Complaint;
2. For reasonable attorney's fees and costs of suit incurred herein; and
3. For such other and further relief as the Court deems just and proper.

Dated: January 4th, 2006.

HALL PRANGLE & SCHOONVELD, LLC

By:

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that I am an employee of HALL PRANGLE & SCHOONVELD, LLC; that service of the foregoing **THE ANSWER AND AFFIRMATIVE DEFENSES OF SPRING VALLEY HOSPITAL AND MEDICAL CENTER DEFENDANTS** was made on the 4th day of January, 2006 by depositing a true copy of same in a sealed envelope, postage pre-paid, in the United States Mail, at Las Vegas, Nevada, addressed as follows:

Peter D. Durney, Esq.
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Attorneys for Plaintiffs

Attorneys for Plaintiffs

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An Employee of HALL PRANGLE & SCHOONVELD, LLC

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